

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:09CR73

BRIAN JOHNSON

DEFENDANT

ORDER

This cause is before the Court on defendant's Motion for Continuance and Extension of Time [30]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for October 26, 2009. Counsel for defendant seeks a continuance on grounds that discovery is ongoing and she is in need of additional time to complete a thorough review of the discovery materials to be provided by the government and to engage in necessary trial preparation. The government does not object to the requested continuance. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from October 26, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare a defense to the pending charges. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The Motion for Continuance and Extension of Time [30] is GRANTED;

2. That the trial of this matter is continued until Monday, December 14, 2007 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from October 26, 2009 until December 14, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is November 23, 2009;
5. That the deadline for submitting a plea agreement is November 30, 2009.

SO ORDERED, this the 8th day of October, 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE